REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1and 5 are pending in this application with all claims having been rejected by the Office Action. Claims 6-10 have been withdrawn from consideration and claims 2-4 have been cancelled by these amendments.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112, but rather the amendments and remarks made herein are simply for clarification and to round out the scope of protection to which Applicants are entitled.

The amendments to the specification have been made to recite the benefit of the round-headed cone shape, which is readily apparent to one skilled in the art viewing the specification and figures.

No new subject matter has been added as a result of these amendments.

II. THE REJECTIONS UNDER 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

In the Office Action, claims 1-4 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,726,169 to Tseng ("Tseng"). Claim 5 is rejected under 35 U.S.C. § 103(a) as being obvious and therefore unpatentable in view of Tseng. The rejections are traversed for at least the following reasons.

Revised claim 1 of the present invention is directed towards, among other things, "a ceiling fan anchoring bracket and housing assembly" with a lock-up means. The lock-up means

or locking device 10 is comprised of essentially three components: (a) lock-up pin 12; (b) coil spring 18; and (c) L-shaped locking plate 14 as indicated in Figure 4a. Page 8, lines 4-18. The lock-up pin 12 and the coil spring 18 are integrated as one unit for locking the housing. The coil spring 18, which surrounds the lock-up pin 12, allows the lock-up pin 12 to retract when it engages the motor housing 30. When the lock-up pin 12 encounters the engaging hole 34 on the motor housing 30, the biasing action of the spring causes the lock-up pin 12 to urge outward and lock into the engaging hole 34. Page 9, lines 3-10.

The Tseng patent is directed towards a suspension assembly for a ceiling fan wherein the "lock-up means 4," as characterized in the Office Action, employs a pushing device 4 which comprises a plate 41 with two ends – one end is slidable into a groove 141 and the other is equipped with a tongue 410, with at least one stub 411 on the end, that extends from the plate 41 towards the skirt 30 of the housing 3. *See* col. 3, lines 15-19. The pushing device 4 also includes a resilient member 42 which attaches to a stick 44 included on the pushing device 4 and is abutted by two stoppers, 43 and 142, one on the wing 14 and the other on the plate 41 to secure the resilient member 42 into position. The resilient member 42 causes the pushing device 4 to slide within the groove 141 so as to urge the tongue 410 of the pushing device 4 against the skirt 30 of the housing 3, whereby the stub(s) 411 on the tongue 410 is/are inserted into a hole 311 in the skirt 30. Col. 3, lines 15-50.

As can be seen from the foregoing, the locking mechanism taught in Tseng is different from that taught tin the instant invention. The locking mechanism of the instant invention is superior to the Tseng device in that: (a) it does not require any sliding movements of a plate; (b) it avoids the need to use double stoppers to secure the resilient member in position; (c) the front portion of the pin in the instant invention acts as the locking pin, thereby averting the need to

place a separate pin or stub on front of the tongue or flange; and (d) it uses less movable mechanical parts, thus reducing manufacturing and maintenance costs.

Claim 5 defines the lock-up pin 12 as having "a head portion in the shape of a round-headed cone." On page 4 of the Office Action, the Examiner states "[a] change in shape is generally recognized as being within the ordinary skill in the art since the applicant has not shown how the chosen shape is critical." The round-headed conical shape of the lock-up pin 12, as depicted in Figure 4a, is critical in that this shape allows the motor housing 30 to be easily pushed up over the lock-up pin 12 and maneuvered until the lock-up pin 12 latchingly engages the engaging hole 34 on the motor housing 30. Because of the conical shape, the lock-up pin 12 does not have to line up exactly with the engaging hole 34 in the motor housing 30 for the two to become latchingly engaged. Once the lock-up pin 12 is at the edge of the engaging hole 34 in the motor housing 30, the conical shape of the lock-up pin 12 pulls the head of the pin towards the center of the engaging hole 34, automatically aligning the remainder of the pin with the hole, thereby latchingly engaging the two components. The specification has been amended to reflect the importance of the conical shape.

Accordingly, it is respectfully submitted that revised claim 1, patentably distinguishes over Tseng and is allowable. Additionally, claim 5 is not obvious in view of Tseng and is also allowable. Consequently, reconsideration and withdrawal of the Section 102 and 103 rejections is earnestly requested.

In the Office Action, claims 1-3 are also rejected under §103(a) as being unpatentable over U.S. Patent No. 6,171,061 to Hsu ("Hsu"). The rejections are traversed for at least the following reasons.

In Hsu, the lower member 22, which corresponds to the motor housing 30 in the instant invention, attaches to the upper member 21, which corresponds to the anchoring plate 25 of the instant invention, not because of a locking mechanism that locks the two together. Instead, the lower member 22 has opposing lugs 221 that are designed to fit in between sectorial flanges 212 in the upper member 21. The lower member 22 is raised towards the upper member 21 and turned so that the lugs 221 fit in between the sectorial flanges 212. When in place, the lower member 22 is rotated so that the lugs 221 rest on top of the sectorial flanges 212, thereby supporting the lower member 22. The lock-up means referred to in the Office Action corresponds to steel balls 218 in the upper member's sectorial flanges 212 that are urged by springs 216 into holes 222 in the lower member's lugs 221, "thereby keeping the lower member 22 in place." Col. 2, lines 43-61. Therefore, in Hsu, the lock–up means referred to in the Office Action is not used to attach the lower member 22 to the upper member 21, instead it is used to keep "the lower member 22 in place," i.e. to keep the lower member 22 from rotating with respect to the upper member 21.

Therefore, the principle behind the Hsu locking mechanism and the locking mechanism is the instant invention is completely dissimilar. Consequently, revised claim 1 is not obvious in view of Hsu and reconsideration and withdrawal of the Section 103 rejection is earnestly requested. .

In the Office Action, claims 4 and 5 are also rejected under §103(a) as being unpatentable over Hsu in view of U.S. Patent No.6,585,215 to Duncan ("Duncan"). The rejections are traversed for at least the following reasons.

In order to ground an obviousness rejection, there must be some teaching which would have provided the necessary incentive or motivation for modifying the reference's teaching. *In*

re Laskowski, 871 F.2d 115, 117 (Fed. Cir. 1989); *In re Obukowitz*, 27 U.S.P.Q. 2d 1063 (B.P.A.I. 1992). Further, "obvious to try" is not the standard under 35 U.S.C. §103. *In re Fine,* 837 F.2d 1071, 1075 (Fed. Cir. 1988). As stated by the Federal Circuit, "[t]he mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggests the desirability of the modification." *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). Also, the Examiner is respectfully reminded that for the Section 103 rejection to be proper, "both the suggestion [of the claimed invention] and the expectation of success must be founded in the prior art, and not in the Applicants' disclosure. *In re Dow*, 837 F.2d 469, 473 (Fed. Cir. 1988).

Applying the law to the instant facts, the requisite suggestion or motivation is lacking in the documents relied upon in the Office Action. More specifically, Hsu does not teach using a lock-up means to hang one member of a ceiling fan to another. Instead the lock-up means in Hsu is to keep one member from rotating with respect to the other member. Duncan does not remedy the deficiency inherent in Hsu.

Duncan is directed to an adjustable height seat support. The seat is held in place by a movable plunger 34 that is fixed to a seat holder 12 and is caused to engage one of a plurality of plunger receptacle 40 in a seat post 18. A spring 38 positioned inside the plunger housing 32 "acts to force the plunger 34 through [a] plunger hole 30 and into plunger receptacles 40" thereby locking the seat in position. The seat can be adjusted by manually removing the movable plunger 34 from the plunger receptacle 40. Col. 5, lines 10-33.

In the instant case, the fields of invention are dissimilar and unrelated. One of ordinary skill in the art of fan design would not have been motivated to combine Hsu with Duncan to achieve a more secure means of attachment as suggested by the Examiner.

Accordingly, it is respectfully submitted that claim 5 patentably distinguishes over Hsu and Duncan and are allowable. Consequently, reconsideration and withdrawal of the Section 103 rejections is earnestly requested.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the cited prior art, it is requested that the Examiner indicate where, in the reference or references, there is the basis for a contrary view.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,
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